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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,218	06/24/2003	Kenneth M. Kiely	302-211-27-1-1	4300

7590 10/28/2003  
Melvin I. Stoltz, Esq.  
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EXAMINER

ESTRADA, ANGEL R

ART UNIT PAPER NUMBER

2831

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

NC

<b>Office Action Summary</b>	Applicati n No. 10/603,218	Applicant(s) KIELY, KENNETH M.	
	Examin r Angel R. Estrada	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cov r she t with the correspond nc address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 8-11, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Figart et al (US 4,165,443, hereinafter Figart).

Regarding claim 1, Figart discloses an electrical box (10) constructed for receiving one or more cable/conduit connectors (16) constructed for securing an electrical cable and/or conduit (1-3) to the box (10) and for providing information regarding an electrical circuit or equipment to which the cable/conduit is connected (see figure 1), said electrical box (10) comprising: a housing constructed for receiving and securely retaining an electrical cable/conduit connector therewith (see figure 1); and indicia (see figure 1, notice the words printed on the top of the housing) formed on at least one surface of the housing, with said indicia (see figure 1) being constructed for providing information regarding the electrical circuit or equipment to which the electrical cable/conduit mounted to the housing is connected (column 6 lines 62-68); whereby said indicia is visible after installation of the electrical box, providing the user with pertinent information regarding the electrical cable and the connections associated therewith (see figure 1).

Regarding claim 2, Figart discloses the electrical box (10), wherein said indicia (see figure 1) is further defined as comprising one selected from the group consisting of colors, designs, logos, pictures and alpha-numeric designations (see figure 1).

Regarding claim 4, Figart discloses the electrical box (10), wherein the indicia (see figure 1) is further defined as being formed on a portion of the surface of the component to which it is applied (see figure 1).

Regarding claim 5, Figart discloses the electrical box (10), wherein the housing is further defined as comprising a closed end hollow rectangular shape incorporating a plurality of substantially flat, cooperating wall members (see figure 1), each having an inside surface and an outside surface (see figure 1), and a plurality of apertures (72,74) formed in said wall members enabling the secure affixation of electrical cable/conduits therein (see figure 1).

Regarding claim 8, Figart discloses the electrical box (10) wherein said box comprises one selected from the group consisting of junction boxes, switch boxes, and outlet boxes (see figure 1).

Regarding claim 9, Figart discloses the electrical box (10), wherein said indicia (see figure 1) is readily identifiable and visually distinctive and comprises a first indicia (see figure 1, defined by "To Fixture BLK) formed on one portion of one wall surface of the housing and a second indicia (see figure 1 defined by "Power BLK) formed on a second portion of one wall surface of the housing (see figure 1).

Regarding claim 10, Figart discloses the electrical box (10), wherein said first indicia and said second indicia are identical (see figure 15, defined by BLK).

Regarding claim 11, Figart discloses the electrical box (10), wherein said first indicia is visually distinguishable from said second indicia (see figure 1).

Regarding claim 14, Figart discloses the electrical box (10), wherein said second indicia (see figure 1) is formed partially covering at least one outside wall surface (see figure 1).

Regarding claim 16, Figart discloses the electrical box (10), wherein the first indicia and the second indicia are formed on the same wall surface (see figure 1).

Regarding claim 17, Figart discloses the electrical box (10), wherein the first indicia and the second indicia are formed on different wall surface (see figure 1 and column 6 lines 62-68).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Figart et al (US 4,165,443, hereinafter Figart).

Regarding claim 12, Figart discloses the claimed invention except for the first indicia being formed partially covering at least one inside wall surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one inside wall surface with indicia, since it has been held that

rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 13, Figart discloses the claimed invention except for the first indicia being formed partially covering at least one inside wall surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one inside wall surface with indicia, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Figart et al (US 4,165,443, hereinafter Figart) in view of Schultz et al (US 6,617,511, hereinafter Schultz)

Regarding claim 6, Figart discloses the claimed invention except for the housing further comprises a plurality of removable plugs or plates associated with the apertures for covering the apertures prior to use. Schultz teaches an electrical junction box (see figure 1) having a plurality of removable plugs or plates (see figure 1 or column 4 lines 48-58) associated with the apertures for covering the aperture prior to use. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Figart's box with removable plugs or plates associated with the aperture as taught by Schultz to provide unused openings with a cover and thus avoiding dust or water to enter through the unused openings.

Regarding claim 7, Figart discloses the electrical box (10), wherein each aperture (72,74) is constructed for enabling a cable/conduit connector (16) to be telescopically inserted into the aperture and securely retained therein (see figure 4).

4. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Figart et al (US 4,165,443, hereinafter Figart) in view of Barna (US 5,775,935).

Regarding claim 3, Figart discloses the claimed invention except for the indicia being formed on the entire surface of the component to which it is applied. Barna teaches an electrical box (10) having indicia (44a, 44b, and 44c) formed on the entire surface of the component to which it is applied. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Figart's electrical box with an indicia being formed on the entire surface of the component to which it is applied as taught by Barna to indicate correct wire placement and ensure proper connection.

Regarding claim 15, Figart discloses the claimed invention except for said second indicia completely covers at least one outside wall surface. Barna teaches an electrical box (10) having indicia (44a, 44b, and 44c) that completely covers the outside wall. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Figart's electrical box with an indicia that completely cover the outside wall as taught by Barna to indicate correct wire placement and ensure proper connection.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Opel (US 5,471,012), Costello (US 4,998,343), Burbine (US 6,201,187) and Kitagawa (US 5,243,130) disclose an electrical box with indicia. Shotey et al (US 5,965,846) and Hagarty (US 6,103,972) disclose an electrical box with removable plates or plugs.


6. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

October 10, 2003

 10/24/03  
DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
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